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Chairman:	Mr. Majoor	(Netherlands)
later:	Ms. Seaneda (Vice-Chairman)	(Ghana)
later:	Mr. Majoor (Chairman)	(Netherlands)

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The meeting was called to order at 10.05 a.m.

Agenda item 61: Indigenous issues

(a) Indigenous issues (A/63/166)

(b) Second International Decade of the World's Indigenous People

1. **Mr. Sha** Zukang (Under-Secretary-General for Economic and Social Affairs) said that, after the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, a number of encouraging developments had taken place at the national and international levels. The Declaration had been recognized as law by one country and had been invoked by national courts in another. Some States had issued formal apologies to indigenous peoples for historic injustices they had suffered. Other States had recognized either the existence of indigenous people or their political or cultural roles. The Declaration had also inspired an international financial institution to adopt a policy on indigenous peoples. The United Nations Development Group, working together with the Department of Economic and Social Affairs, had adopted guidelines on implementing the Declaration on the ground.

2. However, indigenous peoples, many of them at risk of extinction, continued to suffer extreme poverty, discrimination, exploitation and deculturation, which could take more or less violent forms. He called on Member States and United Nations agencies, in particular acting through the United Nations country teams, to implement the Declaration by continuing to display constructive political will and providing the necessary resources. In order to tackle the concerns raised by the United Nations Permanent Forum on Indigenous Issues, there was a need for greater participation by indigenous peoples in drafting country reports on the implementation of the Millennium Development Goals; those reports did not adequately address indigenous issues. Yet because indigenous peoples were disproportionately affected by climate change and the current food and financial crisis, they needed specific Government protection.

3. He was keen to hear the views of Member States on their expectations for the forthcoming mid-Decade review in terms of promoting the implementation of the Decade's objectives. He was grateful to the Governments and United Nations agencies that had recently contributed to the Trust Fund on Indigenous Issues and encouraged Member States to continue their financial support for and their cooperation with the United Nations system in addressing indigenous issues.

4. **Mr. Mbaidjol** (Director, New York Office of the High Commissioner for Human Rights), briefly introducing the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations (A/63/166), said that it contained an overview of the financial status and activities of the Fund, including the status of contributions, and provided information on recommendations adopted at the twentieth and twenty-first sessions of the Board of Trustees.

5. **Mr. Alakhder** (Libyan Arab Jamahiriya) asked to what extent the current financial crisis could affect indigenous peoples.

6. **Mr. Mbaidjol** (Director, New York Office of the High Commissioner for Human Rights), in response to the question asked by the representative of the Libyan Arab Jamahiriya, said that he hoped that Member States would continue to support the Office despite the global financial crisis, in particular by developing strategies to ensure continuity of programmes and activities.

7. **Ms. Stamatopoulou** (Acting Director, Division for Social Policy and Development, Department of Economic and Social Affairs) said that like all vulnerable groups, indigenous peoples were particularly affected by crises. In such cases, Governments began by cutting back services for indigenous communities, which were too expensive because of the isolation of indigenous groups. It was important, therefore, to consider measures to avoid such cutbacks.

8. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Liechtenstein and Ukraine, recalled the problems facing indigenous peoples, to which the Under-Secretary-General had made reference and which included climate change and the food crisis. With those peoples specifically in mind, the international community had launched initiatives such as the International Decades of the World's Indigenous Peoples and adopted instruments such as the United

Nations Declaration on the Rights of Indigenous Persons. As the result of over 20 years of negotiations between Member States and the representatives of indigenous communities the Declaration represented a significant step forward in protecting the rights of each indigenous person, which had long been violated. To that end, it defined a framework for the formulation and implementation of development policies. The European Union therefore reiterated its support for that legally binding instrument, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the United Nations in general, and in particular the Human Rights Council and the Office of the High Commissioner for Human Rights, which had a leading role to play in implementing the Declaration.

9. The European Union also welcomed the fact that the Human Rights Council had established an innovative expert mechanism, which would complement the Permanent Forum on Indigenous Issues and the Special Rapporteur. On the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights, the European Union reiterated its commitment and called on the international community to do everything that it could in order to ensure that the concept of the universality of human rights was upheld in all respects, including for indigenous people.

10. **Mr. Staur** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that they were committed to promoting and protecting indigenous peoples' rights throughout the world, and thus contributing to the diversity and tolerance of society as a whole, with all groups, including indigenous peoples, involved in the decision-making process.

11. He welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and its impact on the rights of indigenous peoples internationally, but underlined the importance of spreading awareness of its principles, including among indigenous peoples, in order to facilitate their practical implementation. The Nordic countries pledged continued support for the Permanent Forum on Indigenous Issues, which played a fundamental role in establishing a dialogue between Governments and representatives of indigenous communities and in raising awareness and encouraging the examination of indigenous issues by the United Nations system. He welcomed the establishment of the Expert Mechanism on the Rights of Indigenous Peoples and the appointment of its members, who, he trusted, would provide useful advice to the Human Rights Council and thus contribute to advancing the situation of indigenous peoples. The Nordic countries strongly supported the new Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as they had his predecessor, and encouraged him to continue an active dialogue with Member States and the Human Rights Council, with the participation of indigenous peoples.

12. Despite the solid international framework for the protection and promotion of indigenous peoples' basic rights, much more needed to be done to overcome the problems affecting them, as pointed out by the Under-Secretary-General for Economic and Social Affairs. The racism and intolerance that indigenous peoples continued to experience must be mentioned in the outcome document of the Review Conference on the implementation of the Durban Declaration and Programme of Action. Furthermore, indigenous peoples must be taken into account in national and international policies and programmes on climate change, which posed a threat to their traditional lifestyles and cultures.

13. **Ms. Maierá** (Brazil) said that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had visited Brazil in response to the standing invitation that her country had extended to all thematic special procedures of the Human Rights Council and a direct request from Brazilian indigenous leaders who had participated in the most recent session of the Permanent Forum on Indigenous Issues. The Special Rapporteur had met with the President of Brazil and a number of high representatives of the executive, legislative and judicial branches, as well as of the various local indigenous communities. She welcomed the Special Rapporteur's willingness to engage in dialogue with all stakeholders and was certain that he would continue to do so in preparing his report. Brazil was prepared to cooperate to the fullest extent with the Special Rapporteur, in order to facilitate the constructive assessment of the underlying causes of any possible violations of indigenous peoples' rights and the solutions needed to deal with them.

14. In the late 1970s, Brazilian indigenous communities had become organized in order to address the despoilment and assimilation of their lands, which

in turn had led to the emergence of a new indigenist policy, based on respect for indigenous peoples' identities, lifestyles and property rights, as legally enshrined in the Federal Constitution of 1988. Those developments had made the demarcation of indigenous lands, which accounted for 12.5 per cent of Brazilian territory, more legitimate, consistent and timely. Two thirds of indigenous lands had already been demarcated and regularized within a legal framework and through partnerships between governmental and non-governmental organizations and representatives of indigenous communities. Sixty-eight of the 220 indigenous groups in Brazil still lived in isolation, thanks to policies adopted to protect them from any external influence.

15. Nevertheless, Brazilian indigenous communities did not fully exercise their basic rights. Measures therefore needed to be taken in the areas of education and health, the preservation of identity and culture, and capacity-building in the management and protection of indigenous lands, as well as the involvement of indigenous peoples in decision-making processes that might affect them. Brazil and the Special Rapporteur would both have much to gain by engaging in a frank dialogue aimed at helping indigenous peoples exercise the full enjoyment of their rights.

16. **Mr. Chumarev** (Russian Federation) said that, given the vulnerability of the traditional lifestyles and of the biological and social environment of indigenous peoples, it was particularly important for Member States to work together within the United Nations system in order to preserve those peoples' cultural identity. He welcomed the outcome of the seventh session of the Permanent Forum on Indigenous Issues and the fact that its special themes had included the impact of climate change on indigenous lifestyles.

17. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the recently established Expert Mechanism on the Rights of Indigenous Peoples contributed to promoting and protecting the rights of indigenous peoples, and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples marked a further step forward in that regard. The Special Rapporteur's interpretation of the Declaration's sometimes ambiguous provisions highlighted the fact that, despite the importance of international cooperation, it was the responsibility of Governments to take the steps necessary to solve the problems of indigenous peoples. The Russian Federation had actively participated in the elaboration of a text that took into account the interests of both Governments and indigenous peoples.

18. His country had defended the rights of indigenous peoples long before the Declaration's adoption through its legislation, including its federal laws and Constitution, which referred to their rights to land and other natural resources and their right to the protection of their habitat and traditional lifestyles. Draft legislation under consideration would allow indigenous peoples to enjoy a number of benefits already provided for in the tax, land and water resources codes.

19. As part of the Second United Nations Decade for the Eradication of Poverty, the Minister of Regional Development had organized the Fifth World Congress of Finno-Ugric Peoples. An international conference had also been held in Khabarovsk in October to review the past 15 years of cooperation between the United Nations system and the indigenous peoples of the north. Finally, the Russian Federation had financed, through its voluntary contribution to the Office of the United Nations High Commissioner for Human Rights, a second international symposium of experts on relations between enterprises and indigenous peoples.

20. The problems of indigenous peoples were far from being solved. It was crucial to continue defending and protecting their rights at the national and international levels. The Russian Federation was committed to participating actively in that process.

21. **Ms. Hill** (New Zealand) said that for many years New Zealand had given priority to the rights and needs of the Maori people, who made up 15 per cent of the population and 17 per cent of members of Parliament. In the previous 30 years, claims to more than half of the country's land area had been resolved. In 2008, New Zealand had settled the largest land and resources claim in its history with indigenous populations. There was a new confidence and dynamism in many indigenous communities, and the Maori economy — including the fishing, forestry and tourism sectors — was doing well.

22. Citing a statement made by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at the launching of the International Year of Languages, she emphasized the need to preserve linguistic diversity and said that New Zealand had taken various measures in order to nourish, from a very early age, the learning and use of the Maori language in homes and communities and to

promote the nationwide broadcast of television and radio programmes in Maori. It had been an official language since 1987 and had recorded significant growth of late.

23. The Government of New Zealand had adopted a Maori education strategy for the period 2008-2012, which emphasized that Maori identity, language and culture were essential ingredients for, not obstacles to, success and which sought to raise school enrolment rates and improve educational outcomes among Maoris, starting in early childhood education. The strategy also sought to strengthen instruction in Maori by increasing both the number of courses taught in the language and the number of qualified Maori teachers. Guidelines had been published for the teaching of the Maori language to pupils of any ethnicity. Maoris were well represented at all levels of the education system.

24. Aware that it had a role to play at the regional level, New Zealand was committed to promoting and protecting Pacific indigenous languages, including those of the Cook Islands, Niue and Tokelau, which had close constitutional ties with New Zealand and whose communities made up a significant proportion of New Zealand's population.

25. Turning to activities at the international level, she noted that her country had been the first Member State to contribute financially to the Permanent Forum on Indigenous Issues and drew attention to the issues raised and recommendations made by that body with regard to climate change, the Millennium Development Goals and the safeguarding of indigenous languages.

26. **Mr. Hermoso** (Philippines) said that indigenous peoples made up 16 per cent of his country's total population and that the Philippine Constitution recognized and promoted the rights of those communities within the framework of national unity.

27. The National Commission on Indigenous People, created by Republic Act No. 8371, was responsible for formulating and implementing appropriate policies, plans and programmes to protect the rights and well-being of indigenous persons, with due regard for their beliefs, customs, traditions and institutions. The Act also rectified the historical and structural discrimination inflicted against indigenous peoples by recognizing their rights to their ancestral lands and domains.

28. The Philippine Government was doing all that it could to ensure that indigenous peoples were fully mainstreamed and empowered as active agents in the development process. Recognizing the importance of land for indigenous communities, the Government's main goal was securing land tenure for those communities through the implementation of a plan for sustainable development and protection of ancestral domains. The National Commission on Indigenous Peoples had already issued 80 certificates of ancestral domain title covering a total area of almost 2 million hectares and 182 certificates of ancestral land title covering more than 6,000 hectares.

29. His Government was also implementing projects aimed at ensuring the livelihood of indigenous populations, as well as capacity-building programmes and modules.

30. In addition, the Philippines was working to preserve the history and customs of indigenous groups by documenting customary laws and harmonizing them with existing national laws. It also protected indigenous peoples' right and access to health care through the provision of free health services and through coverage by the Philippine Health Insurance Corporation, and it recognized the use of traditional medicines.

31. The Government had embarked upon several important initiatives to deal with emergency situations and responded immediately to any reports of human rights violations against indigenous peoples. It had provided legal assistance or counselling to 620 indigenous persons during the period 2007-2008. It recognized that, in order to ensure that an important part of humanity was not lost, it was essential to promote and protect indigenous peoples' way of life and help them to progress in peace, justice and harmony.

32. **Ms. Daes** (Greece) said that the United Nations and its Member States should do all in their power to implement the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. In order to give effect to the rights affirmed in the Declaration, partnership with indigenous peoples should be promoted, programmes of legal and political reform should be implemented, institutional support systems should be established and reparation should be provided to indigenous peoples for past wrongs. Those measures, although rather belated, would enable

indigenous peoples to participate in the development process after years of exclusion, domination and isolation. Implementing the Declaration at the national level would normally require the adoption of new laws or the amendment of existing ones, as indicated in its article 38. She drew attention to the exemplary case of Bolivia, which had enacted the legislation necessary to give full effect to the Declaration's provisions in domestic law, and to that of the Supreme Court of Belize, which, citing the Declaration, had ordered the Government to return ancestral lands to a group of Mayan villages. In accordance with the twentieth preambular paragraph of the Declaration, the United Nations had also begun to create or revitalize a number of relevant entities and processes, including the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the office of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

33. Member States might wish to create an entity similar to the Inter-Agency Support Group on Indigenous Issues at the national level in order to enable and enhance their own partnerships with their respective indigenous communities. To that end, indigenous peoples should exercise maximal autonomy over their own affairs. Civil society organizations also had a role to play in that regard.

34. In the face of the current challenges of climate change and the global financial crisis, the sustainable development model of indigenous peoples provided an example to be followed. In the context of the Second International Decade of the World's Indigenous Peoples, the United Nations system, Member States and indigenous peoples should make every effort to achieve the eight Millennium Development Goals, in particular eradication of extreme poverty and hunger, environmental sustainability and the establishment of a global partnership for development.

35. **Ms. Stewart** (Canada) said that her Government had recently taken several major steps to address a regrettable chapter in Canadian history: that of Indian Residential Schools. That system, which had existed for over a century, had separated more than 150,000 aboriginal children from their homes and communities. The Government had offered a formal apology to former students of those schools, distributed more than 1.4 billion Canadian dollars to 64,000 victims of the practice and set up a Truth and Reconciliation Commission.

36. There were two main types of land claims processes in Canada: comprehensive claims, which involved ancestral lands rights not dealt with by treaties or other legal instruments, and specific claims, which were not necessarily land-related and dealt with Canada's obligations under historic treaties or the way in which it had managed First Nations' assets. In 2008 the Canadian Government had adopted legislation creating the Specific Claims Tribunal, an initiative which gave indigenous peoples the option of bringing their claims before an independent tribunal. Her Government recognized that lands and resources played a significant role in the subsistence and the economic self-sufficiency of aboriginal peoples and were also of great cultural and spiritual importance. Aboriginal communities, governments and private companies had gained considerable experience in negotiating working arrangements aimed at ensuring responsible corporate behaviour and aboriginal participation in and benefit from the development of natural resources. Canada shared that expertise with other countries.

37. The many tripartite agreements signed between the Government of Canada, several provincial governments and indigenous organizations in areas such as child welfare, housing and education attested to the Government's commitment in those areas. Such initiatives might be of particular value in the framework of current and future studies by the Expert Mechanism.

38. Worldwide, the migration of indigenous peoples to urban areas was creating social and economic challenges, both for those peoples and for government authorities. Her Government was working at both domestic and international levels to raise awareness and advocate the necessary action with regard to the living conditions of indigenous peoples in urban centres. To that end, it would sponsor, in collaboration with the United Nations Human Settlements Programme (UN-Habitat), a special event on urban indigenous issues at the fourth session of the World Urban Forum, to be held in Nanjing, China, in November 2008. Her delegation encouraged Member States and United Nations agencies to participate and help ensure that indigenous voices were heard at the Forum.

39. **Mr. Vunibobo** (Fiji) noted that indigenous groups in his country, unlike most indigenous groups elsewhere, made up the majority of the population and owned 80 per cent of the land and resources. Yet, regrettably, they did not enjoy a standard of living commensurate with their collective wealth. In that context, all Fijians had reason to question whether the indigenous bureaucratic institutions established by the State were fully complying with their obligations.

40. His delegation was mindful of the importance of the principles of "free, prior and informed consent" and "good faith" set out in articles 19 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples. While it must be recognized that colonialism had safeguarded, through a system of separation, the lands, culture and language of indigenous Fijians, serious reforms were needed to take into account the realities of the twenty-first century. The principle of requiring the full consent of tribe members as a precondition for the use of communal lands should not hinder entrepreneurship or prevent indigenous farmers from using ancestral lands for their personal advancement. Measures were therefore currently being devised to ensure the maximum utilization of indigenous land resources while at the same time guaranteeing that the resulting benefits accrued directly to the owners of those resources. Efforts were also being made to facilitate the reform of cultural and traditional institutions, which had long played an essential role in the preservation of indigenous identity.

41. At the global level, his delegation appreciated the work of the Permanent Forum on Indigenous Issues, endorsed the recommendation contained in paragraph 26 of the report of the United Nations High Commissioner for Human Rights (A/63/166) and reiterated the appeal made to Member States and donors in paragraph 47 of that report.

42. **Mr. Rai** (Nepal) observed that the resilience of indigenous peoples should be a source of inspiration for all mankind. The international community should step up its efforts to protect the rights of indigenous peoples, raise their living standards, preserve their culture and traditions and promote their development in accordance with their aspirations and needs.

43. His Government recognized the multi-ethnic and multicultural nature of Nepalese society, which included more than 70 ethnic groups and indigenous peoples. The country's interim Constitution guaranteed the rights and freedoms of marginalized groups.

44. The political transformation that had recently occurred in his country, including the election of a Constituent Assembly, the establishment of a federal democratic republic and the formation of a new Government under the leadership of the Communist Party of Nepal, would enable indigenous peoples to realize their full potential. Nepal's new Constituent Assembly, one of the most inclusive in the world, comprised representatives of various ethnic groups, indigenous peoples and geographic regions, and almost one third of its members were women. For the first time, representatives elected by the people were drawing up a new Constitution.

45. The Nepalese Government had appropriated special budgetary funds with a view to uplifting and empowering disadvantaged groups, including indigenous peoples. A national inclusiveness commission, in which all stakeholders were represented, would make recommendations to the Government for promoting and protecting the interests of marginalized groups, including indigenous peoples.

46. Nepal's community forestry program owed its success to Nepalese indigenous peoples, who were highly skilled in the conservation of their natural environment and resources. Their wisdom would contribute to the task of nation-building and to the improvement of their standard of living.

47. His Government had ratified International Labour Organization (ILO) Convention No. 169 and had also invited the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to visit Nepal.

48. *Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.*

49. **Ms. Taracena Secaira** (Guatemala) said that it was regrettable that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had not had the opportunity to address the Committee. It was hoped that he would be invited to report during the sixty-fourth session of the General Assembly on the situation of indigenous peoples and on his work, in particular with respect to the inclusion of the United Nations Declaration on the Rights of Indigenous Peoples as a normative basis for the Universal Periodic Review and the participation of

representatives of indigenous peoples in the preparation of the relevant national reports.

50. At the national level, among other activities aimed at promoting respect for indigenous peoples, Guatemala had observed the International Day of the World's Indigenous People by organizing activities and events under the coordination of the Ministry of Culture and Sport, including the eighth Mayan language symposium. A project for the establishment of a Mayan university was also under way.

51. Drawing a parallel with the midterm review of the Millennium Development Goals, she said that a review of the objectives of the Second International Decade of the World's Indigenous Peoples should be undertaken in 2010 in order to strengthen areas of action in which progress had been slow. She welcomed the work of the International Fund for Agricultural Development aimed at improving access to land for indigenous women and encouraged it to support the revitalization of traditional knowledge. She also welcomed the World Food Programme's "Purchase for Progress" initiative, which would undoubtedly help indigenous peoples, most of whom were farmers, and applauded the efforts of the United Nation's Children's Fund to improve the health and education of indigenous girls. She paid tribute to the work of the Permanent Forum on Indigenous Issues and commended its secretariat for the publication of the guide on indigenous issues, developed in collaboration with the Inter-Agency Support Group on Indigenous Issues. Recalling that the first anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples had recently been celebrated, she said that her delegation would welcome a report by the Secretary-General at the next session on Member States' implementation of the Declaration.

52. *Mr. Majoor (Netherlands) resumed the Chair.*

53. **Ms. Blum** (Colombia) said that her Government, which was a party to the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169), attached great importance to cultural diversity and strove to meet its national and international obligations with regard to fulfilment of the rights and harmonious development of indigenous peoples. Respect for the country's ethnic and cultural diversity was enshrined in Colombia's Constitution and legislation, which protected the rights of its indigenous communities which comprised a multitude of communities and languages. The national development plan also included strategies for the comprehensive development of indigenous peoples.

54. In addition to the rights to which all Colombian citizens were entitled, indigenous peoples enjoyed a measure of political, social, legal and electoral autonomy on their indigenous reservations, which covered 30 million hectares — 27 per cent of the country's total land area. The Government worked continually to expand those reservations, for which funds were allocated from the national budget. Indigenous peoples also benefited from bilingual and multicultural primary education programmes and received priority access to medical insurance. In accordance with ILO Convention No. 169, Colombian laws, regulations and jurisprudence guaranteed the right of indigenous communities to be consulted on a variety of matters, including issues relating to their territories. In 2007, the Ministry of the Interior had coordinated some sixty consultations relating to hydrocarbons, mines and energy, the elimination of illicit crops, infrastructure and biodiversity. Such consultations were continuing in 2008.

55. Indigenous peoples had also been victims of terrorist attacks perpetrated by illicit armed groups financed by drug trafficking. The Government intended to continue protecting the country's entire population, but particularly its indigenous communities, by strengthening its "democratic security" policy, which had been introduced in 2002 and which had helped reduce all forms of violence. The policy on assistance for displaced persons had also been strengthened with a view to better meeting the needs of displaced indigenous populations. Indigenous populations were exempt from national military service, a fact which had helped to protect their cultures and communities.

56. **Mr. González** (Mexico) said that he endorsed the suggestion put forward by the representative of Guatemala that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people should be invited to the next session of the General Assembly, and recalled that Mexico had supported the creation and the renewal of the mandate of the Special Rapporteur. The position of Special Rapporteur had been held from 2001 to 2008 by Mr. Stavenhagen from Mexico, to whom he paid tribute. Mexico had also participated actively in the negotiations leading to the adoption of the United Nations Declaration on the Rights of Indigenous

Peoples and had attended, as an observer, all seven sessions of the Permanent Forum on Indigenous Issues. He noted with satisfaction that the International Day of Rural Women had been celebrated for the first time on 15 October 2008.

57. Mexico had made important strides on the legislative, institutional and policy fronts with regard to protection of the human rights and fundamental freedoms of indigenous peoples. Article 2 of its Constitution and numerous local laws and constitutions recognized the multicultural nature of Mexican society and protected indigenous rights and culture. Consultation mechanisms had also been strengthened through the creation, in 2003, of the National Commission for the Development of Indigenous Peoples, which coordinated pubic policy on indigenous issues. The Commission's Advisory Council engaged in dialogue with indigenous peoples and civil society.

58. Several national plans of action for the period 2007-2012 aimed to integrate indigenous peoples into the country's economic, social and cultural development by strengthening dialogue between the State, civil society and indigenous communities; ensuring the participation of indigenous peoples in decision-making; promoting the integrated and sustainable development of indigenous peoples; protecting their linguistic and cultural heritage and their fundamental rights; and fostering the development of underserved groups and regions.

59. **Ms. Sapag** (Chile) expressed sincere thanks to the secretariat of the Permanent Forum on Indigenous Issues, in particular for the work that it had accomplished during its seventh session and for the tools developed in order to facilitate its work. Her delegation reiterated its wish that participation in the Permanent Forum should be balanced with respect to participants' indigenous origin, sex and age.

60. In the previous two years, her Government had achieved a number of the objectives that it had set for itself with regard to improving the living conditions of indigenous peoples and integrating them fully into Chilean society. The measures taken included the following: ratification of ILO Convention No. 169, adoption of a law creating an indigenous coastal zone, approval of a proposed amendment to the constitutional organic law on education, implementation of constitutional reform in respect of special territories, establishment of a national dialogue with indigenous peoples, implementation of a policy on restitution of land to indigenous peoples, strengthening of university scholarship and residence programmes for indigenous students, improvement of the indigenous health programme and creation of intercultural nursery schools.

61. In order to further progress in those areas, a plan of action had been drawn up, establishing objectives for the coming two years and for the longer term. Three main areas of action had been identified. First, with regard to the political system and institutions, concrete action would be taken to implement ILO Convention No. 169 and to ensure the recognition of indigenous peoples as provided in the Chilean Constitution. In addition, an effort would be made to ensure the active participation of indigenous peoples in the political process through the election of indigenous representatives to Parliament. Second, the Government would seek to promote the comprehensive economic, social and cultural development of indigenous communities. Lastly, the Government had made a commitment to protect multiculturalism and diversity, bearing in mind the needs and concerns of indigenous peoples, especially in urban areas and in sectors such as health, sports and education. The report of the Historical Truth and New Deal Commission would be disseminated in all educational establishments. The President of Chile had appointed a presidential adviser to oversee implementation of a plan of action, with the support of a council of ministers for indigenous issues. Those measures would serve to fulfil the social pact for multiculturalism put forward by the President.

62. **Ms. Alberdi** (United Nations Development Fund for Women (UNIFEM)) said that, despite their exceptional resilience, indigenous peoples were the poorest and most vulnerable owing to racial discrimination, social exclusion and economic marginalization, and had been deprived of their land rights as well as access to education and health care. Conflict in many indigenous territories had also caused significant population displacement and destruction of natural resources and ancestral lands. For indigenous women, gender discrimination intersected with other forms of discrimination; they were often victims of various forms of gender-specific and racially motivated violence. Poverty and restricted access to education and health care further contributed to the erosion of their economic and social rights.

63. She drew attention to the activities of United Nations Development Fund for Women (UNIFEM) in Latin America where, since 1995, it had worked with indigenous women's groups to encourage countries and communities to value and draw upon indigenous knowledge, create synergies with decision-makers, human rights defenders and women's groups, and support indigenous women's organizations and leadership. A priority of the Fund was to strengthen inter-agency cooperation among United Nations country teams in addressing the issues facing indigenous women.

64. At the tenth session of the Regional Conference on Women, held in Quito in 2007, UNIFEM, the United Nations Population Fund (UNFPA) and the secretariat of the Permanent Forum on Indigenous Issues had organized a panel on Citizenship and Political Participation by Indigenous and Afro-Descendant Women, during which indigenous women presented a manifesto in favour of building a plurinational State.

65. At the national level, UNIFEM helped indigenous women to introduce a gender and multi-ethnic perspective in public policies and poverty-reduction plans, for example in Bolivia, Brazil, Guatemala and Paraguay, and to participate in decision-making.

66. Together with United Nations system partners, the Fund also helped indigenous women and human rights organizations to raise awareness of the problem of violence against women within indigenous communities and identify suitable solutions, through both the traditional and Western justice systems. The 16 Days of Activism Campaign had also promoted public awareness, media outreach and support for indigenous journalists and community radio programmes.

67. In the Asia Pacific region, the Fund's work was focused on promoting implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Accordingly, in the Philippines, Muslim, indigenous and rural women had participated in workshops which had afforded them the opportunity of pressing local authorities for increased participation of women in local governance. The Asian Indigenous Women's Network (AIWN) and Asian Migrant Center were working with watch groups linked to the Committee on the Elimination of Discrimination against Women in each country to ensure that the groups took account of discrimination against indigenous, ethnic minority and migrant women in their analyses.

68. **Ms. Gastaldo** (International Labour Organization (ILO)) said that combating discrimination based on ethnic origin was a central aspect of ILO efforts to combat exclusion and marginalization. With the adoption of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in 1989 and the United Nations Declaration on the Rights of Indigenous Peoples in 2007, the international community had established a framework of rights and principles that must now be translated into action.

69. The principles of consultation and participation implied that the rights and aspirations of all, including indigenous and tribal peoples, must be taken into account in national development. Each country must thus establish institutional mechanisms to that end, in close cooperation with the peoples concerned. In that context, ILO was preparing a practice guide on implementation of the provisions on consultation and participation set forth in ILO Convention No. 169 and of certain provisions of the 2007 Declaration. It had also published a practice guide on including indigenous peoples in poverty reduction strategies.

70. ILO focused on national-level action to promote the Convention. Accordingly, it organized projects in Latin America, Nepal and Africa, and collaborated, for example, with the African Commission on Human and People's Rights to develop recommendations for strengthening the legal protection of indigenous peoples. ILO had also participated in the elaboration of United Nations Development Group (UNDG) guidelines on indigenous peoples as a tool to promote more coherent action by the United Nations system at the country level.

71. In a recent publication, ILO demonstrated how ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation provided a solid framework for addressing discrimination against indigenous and tribal peoples in the world of work. Similarly, ILO Convention No. 100 concerning Equal Remuneration constituted a vital instrument to address the discriminatory pay gap affecting indigenous women in particular.

72. As the twentieth anniversary of ILO Convention No. 169 concerning Indigenous and Tribal Peoples approached, ILO hoped that other States would ratify

and implement the Convention and stood ready to assist them to that end.

73. **Ms. von Lilien** (International Fund for Agricultural Development (IFAD)) said that the empowerment of indigenous people had great importance for the Fund, whose mandate was to enable the rural poor to overcome poverty and hunger through investments in agriculture and rural livelihoods.

74. In 30 years, IFAD had invested approximately $1.3 billion in support of indigenous peoples in order to strengthen their organizations and institutions and empower them to participate in decision-making, with a special focus on women.

75. The Fund welcomed the adoption by the General Assembly of the Declaration on the Rights of Indigenous Peoples. In order to enable the latter to determine their own development, it aimed to entrust them with the management of their own resources and funds. With the help of the Indigenous Peoples Assistance Facility, transferred from the World Bank to the Fund in 2006, IFAD helped them to implement locally designed development projects. The grants were small, but effective. Thanks to those projects, indigenous people were increasingly aware of their cultural identity and were improving their capacity to manage their natural resources; and indigenous women were learning to defend their rights and strengthen their entrepreneurial capacities.

76. Despite those encouraging results, other problems had arisen. Global warming and the world food and fuel crises put additional pressures on fragile ecosystems and natural resources upon which indigenous peoples relied. Faced with those challenges, it was important to empower them to manage their land and resources in a sustainable way. To that end, indigenous people must be treated as equal partners in development policies and programmes; the principle of free, prior and informed consent must be respected in the design and implementation of strategies and programmes that affected them; and they must continue to be supported to implement self-determined development projects and to protect their rights over their ancestral land. The Fund relied on the assistance of all its partners for such purposes.

The meeting rose at 12.20 p.m.

The meeting was called to order at 10.10 a.m.

Agenda item 61: Indigenous issues (*continued*)

(a) Indigenous issue (*continued*) (A/63/166)

(b) Second International Decade of the World's Indigenous People (*continued*)

1. **Ms. Espinosa** (Ecuador) said that her country had participated actively, inter alia, in the framework of the Human Rights Council and the General Assembly, throughout the negotiation process leading to the adoption, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples. Ecuador also strongly supported the creation of an expert mechanism on the rights of indigenous peoples.

2. In preparing the report presented as part of the universal periodic review process, Ecuador had requested the assistance of the Council for the Development of Nationalities and Peoples of Ecuador. It had also integrated into its national development plan the strategies of the Council, which specifically recommended that Government action take place in a framework of cultural diversity and sustainability.

3. In order to promote participation by representatives of indigenous peoples in the work of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, Ecuador invited all entities concerned to increase their contributions to the United Nations Voluntary Fund for Indigenous Populations, which would provide for the participation of the above-mentioned representatives in the work of the Group.

4. Fulfilling the commitments it undertook when ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, Ecuador had proceeded to reform its national legislation with a view to eliminating all forms of discrimination, since that undermined human dignity and the principle of equality among citizens and therefore hampered the country's social, economic and political development. It had also included in its Constitution a provision specifically prohibiting all forms of discrimination.

5. As part of the implementation of the Durban Programme of Action, Ecuador had adopted a number of measures aimed at ensuring the effective participation of the indigenous and Afro-Ecuadorian populations. It had also reviewed the plans to combat discrimination which it had developed prior to the Durban Conference and had strengthened various national institutions which worked to promote respect for diversity and to protect groups vulnerable to discrimination, for example, the Council for the Development of Nationalities and Peoples of Ecuador and the Council for Afro-Ecuadorian Development. It had also founded a State secretariat of peoples, social movements and civic participation. Finally, Ecuador had included in its social programme for development 2007-2010 policies and budgets to provide for the protection and promotion of the country's most vulnerable groups, in particular, indigenous peoples and Ecuadorian citizens of African descent.

6. **Ms. Rubiales de Chamorro** (Nicaragua) said that her country had played an active role in the adoption of the historic Declaration on the Rights of Indigenous Peoples, and had called for its application at both the national and international levels. Indigenous peoples were among the poorest and most discriminated against and they were excluded from development. That must not be allowed to continue. In that respect, Nicaragua welcomed the adoption by the United Nations Development Group of the guidelines on indigenous peoples' issues and hoped that they would help increase awareness of the need to promote those peoples' development, while respecting their cultural, social and spiritual diversity and guaranteeing them full enjoyment of their basic rights.

7. Her delegation valued the outstanding role played by the Permanent Forum on Indigenous Issues and agreed that it should be further strengthened and that its advisory function relative to various United Nations bodies and agencies should be more fully recognized. Furthermore, her delegation welcomed the adoption by the Human Rights Council of resolution 6/36 establishing an expert mechanism on the rights of indigenous peoples. However, it was regrettable that the special rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples had not been invited to address the Third Committee. He should be invited the following year to give the Committee an assessment of the implementation of the Declaration on the Rights of Indigenous Peoples.

8. At the national level, her Government had made significant headway in recognizing the rights of indigenous peoples, providing venues for participation within the Government and promoting comprehensive development for indigenous peoples based on social

justice and full respect for their traditions and cultural sensitivity. To that end, it had set up an Atlantic coast development council charged with promoting autonomous regions and indigenous communities and had drawn up a development plan for the Caribbean coast. It had also developed a national plan to promote human development for the period 2009-2012, and had undertaken numerous support measures and development projects for indigenous communities. One of the most significant measures, which had been adopted recently, had to do with the creation of the first indigenous territorial Government.

9. With regard to the YATAMA vs. Nicaragua case, which had come before the Inter-American Court of Human Rights in 2005, she said that the State had paid YATAMA the compensation requested, thereby implementing the Court's decision.

10. The 2006 elections had led to increased representation of indigenous communities and an increase in the numbers of representatives of African origin in the National Assembly, the Central American Parliament and autonomous regions.

11. Finally, following up on the decision of the Inter-American Court, the Government was taking steps to move forward the process aimed at providing land titles to the Awas Tingni.

12. **Mr. Siles Alvarado** (Bolivia) said that the United Nations Declaration on the Rights of Indigenous Peoples gave hope to the 370 million members of the world's indigenous communities, who were victims of racism, marginalization and discrimination, and who had neither protection nor guarantees; its adoption also testified to the significant contribution made by indigenous peoples to the promotion of human rights. The Declaration had been promulgated, and had the force of law, in his country. Bolivia's new draft constitution, which was to be voted on in a referendum in early 2009, had a chapter devoted to the rights of indigenous nations and peoples, which contained the basic provisions of the Declaration. Moreover, the new constitution placed indigenous jurisdiction on an equal footing with the courts; that should ensure an equitable justice system for indigenous peoples, who had always been victims of a judicial system which tended to favour the privileged few. The Government was seeking to restore the labour rights of the Guarani people in its Chaco region; although it was the twenty-first century, they were still subject to various forms of servitude incompatible with international labour standards and human rights. As part of its new national policy, the Government had undertaken to redistribute land and the income derived from the exploitation of natural resources, with a view to guaranteeing the social, cultural and economic development of the indigenous peoples.

13. Moreover, it was committed to implementing the decisions and recommendations of the Permanent Forum on Indigenous Issues.

Agenda item 64: Promotion and protection of human rights (A/63/123, A/63/370-S/2008/614 and A/63/281-S/2008/431)

(a) Implementation of human rights instruments (A/63/40, Vols. I and II), A/63/44, A/63/48, A/63/137, A/63/220, A/63/175 and A/63/280))

14. **Mr. Mbaidjol** (Director, New York Office of the High Commissioner for Human Rights), introducing the reports submitted under agenda item 64 (a), said that, with regard to the annual report of the Human Rights Committee (A/63/40, Vols. I and II), the Committee had considered 13 periodic reports and had adopted concluding observations on them. Under its individual complaints procedure, it had adopted 40 views on communications and had declared 6 communications admissible and 25 inadmissible. Consideration of 11 communications had been discontinued. A total of 225 communications had been registered during the period under review, and 409 were still pending.

15. Introducing the annual report of the Committee against Torture (A/63/44), he said that the Committee had considered the reports of 14 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had taken decisions on 16 individual complaints. Sixteen other reports were awaiting consideration by the Committee. The Convention had now been ratified by 145 States, and 35 States had ratified the Optional Protocol to the Convention. After briefly commenting on the sessions of the Subcommittee on Prevention and on site visits, he said that the Subcommittee had prepared preliminary guidelines for the national preventive mechanisms to be established by each State party to the Optional Protocol.

16. Introducing the annual report of the Committee on the Protection of the Rights of All Migrant Workers

and Members of Their Families (A/63/48), he said that the Committee had considered initial reports from three countries and was due to consider six other such reports.

17. The report of the chairpersons of human rights treaty bodies on their twentieth meeting (A/63/280) contained information on developments in the work of treaty bodies, including information on progress made in increasing cooperation among them. The chairpersons had also discussed harmonization of working methods and the reform of the treaty body system. An updated version of the comparative analysis of the working methods of the seven treaty bodies had been presented to the seventh inter-committee meeting. That meeting had recommended the establishment of a working group on harmonization and/or identification of best practices in respect of follow-up, to meet either intersessionally or during the eighth inter-committee meeting. Other recommendations were made, relating to overdue reporting by States parties, possible joint general comments, lists of issues to be covered, participation by non-governmental organizations and national human rights institutions, the development of indicators, and facilitation of access to treaty body sessions.

18. The chairpersons of human rights treaty bodies had met with the President of the Human Rights Council, and had convened their tenth meeting with the special procedures mandate holders. They had also held an informal consultation with States parties, and had met with the Conference Services Division of the United Nations Office at Geneva. They had recommended that interaction be fostered between treaty bodies and special procedures mandate holders, and had emphasized the complementarity and mutually reinforcing nature of the treaty body system and the universal periodic review mechanism. They had also underlined the need to develop effective cooperation between the treaty bodies and the Council, and to strengthen institutional links between the two systems, and had encouraged the Council to invite the treaty bodies to take part in its sessions.

19. The report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/63/220) provided information on the decisions taken by the Board of Trustees of the Fund at its twenty-seventh and twenty-eighth sessions. At its twenty-seventh session, the Board had examined applications for funding and made recommendations on grants to be awarded in the period from January to December 2008. It made recommendations for grants for a total amount of US$ 8,582,700 to 191 projects. At its twenty-eighth session, the Council had mainly discussed policy issues, including multi-year funding and capacity-building for recipients of grants, and had awarded grants for projects from priority regions, allocating a total amount of US$ 1,219,100 to 43 projects. It had also recommended that an additional amount of US$ 665,400 be set aside for intersessional grants for 2008.

20. In its final follow-up report, the Office of Internal Oversight Services (OIOS) had commended the considerable improvements made to the administration of the Fund since its evaluation in 2004.

21. The Fund's Board of Trustees had joined with others in issuing a statement to commemorate the International Day in Support of Victims of Torture.

22. Finally, drawing attention to a Note by the Secretariat on the status of the United Nations Voluntary Fund on Contemporary Forms of Slavery, he said that the outcome of the thirteenth session of the Board of Trustees of that Fund, which had been held in September 2008, would be reported to the General Assembly at its sixty-fourth session.

23. **The Chairman** invited delegations to address their observations and questions to the Director of the New York Office of the United Nations High Commissioner for Human Rights.

24. **Ms. Abdelhak** (Algeria), referring to the dialogue which Algeria had held in 2008 with the Human Rights Committee and the Committee against Torture concerning the review of its reports on the implementation of the International Covenant on Civil and Political Rights and the Convention against Torture, said it was regrettable that, in making their recommendations, those committees had not taken into account the replies and clarifications provided by Algeria. In order to be truly relevant, committee reports, including the recommendations contained therein, should reflect the arguments presented by the State concerned. Algeria had sent two aide-mémoires to the secretariats of the two committees, requesting that they should be annexed to the respective reports (A/63/40 and A/63/44) prior to the latter's consideration by the Third Committee. Since she was not sure if her request had been taken up, she would

repeat it now. She asked that her statement be reflected in the summary record of the meeting.

25. **Mr. Chumarev** (Russian Federation), while acknowledging the progress made by the Office of the High Commissioner in providing technical services to the treaty bodies, said that the Office continued not to pay due attention to the attempts of certain treaty bodies to assume quasi-judicial functions. He hoped that the Sixth Committee and the Third Committee would pay attention to draft general comment no. 33 of the Human Rights Committee, on the review of communications from individuals concerning violations of the International Covenant on Civil and Political Rights. The treaty bodies were not empowered to review human rights situations in any given country, using only non-State sources, when no report prepared by that country was available.

26. Expressing regret that the report of the High Commissioner had not stressed the importance of technical assistance, he said that treaty bodies and States should cooperate closely with each other. In that regard, he recalled the difficulties that the Russian Federation had had in preparing its report to the Committee on the Elimination of Racial Discrimination, precisely because of the lack of dialogue with the Committee. Finally, he welcomed the action taken by the United Nations Voluntary Fund for Victims of Torture to improve its working methods and cooperate more closely with States parties.

27. **Mr. Mbaidjol** (Director, New York Office of the High Commissioner for Human Rights) congratulated the representative of Algeria for attaching high priority to human rights, noting that Algeria was a party to all seven universal instruments. He would inform the secretariats of the two committees that Algeria wished to have its comments annexed to the reports, but stressed that the treaty bodies were independent.

28. Replying to the representative of the Russian Federation, he said that the Office of the High Commissioner provided secretariat services to the treaty bodies but was careful not to influence their conclusions. Nevertheless, the High Commissioner reviewed all questions relating to the effectiveness of the treaty bodies and gave them his full support so as to enhance the effectiveness of their work. The delays in publishing reports were due to the procedures that had to be followed; the High Commissioner would be informed about the legitimate concerns that had been mentioned regarding the delays.

29. **Mr. Mac-Donald** (Suriname), speaking on behalf of the Member States of the Caribbean Community (CARICOM), reiterated the determination of those States to guarantee respect for human rights and fundamental freedoms. He welcomed the entry into force of the Convention on the Rights of Persons with Disabilities and looked forward to the first meeting of States parties. Stressing the historic importance of the Universal Declaration of Human Rights, he described a number of activities that had been planned by countries in the region, including his own, to mark the sixtieth anniversary of the Declaration.

30. Noting that development, peace and security and human rights were closely interlinked, he stressed the need to fight poverty, disease, intolerance and environmental degradation in order to better promote human rights. Despite notable progress in the field of civil and political rights, it was unsatisfying to note that the international community still fell short in the realization of economic, social and cultural rights; it was important to promote human rights as a whole. Finding a durable solution to the debt problems of developing countries and allowing them to participate more fully in international decision-making would contribute to the advancement of economic and social rights.

31. The Caribbean Community reiterated its conviction that measures adopted in the fight against terrorism should be consistent with international law and the right to a fair trial. He called on United Nations agencies, funds and programmes and treaty body experts to enhance their cooperation. Private corporations, including transnational corporations, should conduct their business with due regard to international law.

32. The Caribbean Community noted the ongoing work of the Human Rights Council and wished to stress the need for equal treatment of all States in connection with the periodic review of human rights situations. It looked forward with interest to the review of the situation of two of its members in December 2008. It called for true complementarity between the activities of the treaty bodies and the universal periodic review, in order to avoid undue burdens on developing countries.

33. The Caribbean Community acknowledged the efforts of Ms. Louise Arbour and congratulated Ms. Navanetham Pillay on her appointment as successor to Ms. Arbour. The Caribbean Community wished to thank all those who had supported it in the initiative to erect a memorial at the United Nations in honour of the victims of slavery, and it welcomed the creation of a committee of interested States.

34. Finally, the Caribbean Community wished to stress that concerted action was needed to improve the situation of the world's people and to achieve the goals contained in the Millennium Declaration. It reiterated its commitment to the promotion and protection of human rights and fundamental freedoms and its determination to continue cooperating with the United Nations system in that regard.

35. **Mr. Delacroix** (France), speaking on behalf of the European Union, the candidate countries Turkey and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, the Republic of Moldova and Ukraine, said that since 2008 marked the sixtieth anniversary of the Universal Declaration of Human Rights, it provided an opportunity to reflect on the key importance of human rights and to reaffirm the indivisibility of all human rights.

36. Expressing satisfaction at the progress achieved since the adoption of the Declaration and recalling the importance of the Vienna Declaration and Programme of Action, he called on the international community to redouble its efforts to ensure that human rights became a reality for everyone. He called on all States that had not yet done so to ratify the international human rights instruments and to make the statements required for full implementation thereof, and to withdraw their reservations to certain instruments, given that such reservations were contrary to the purpose of those instruments. He also called on members to facilitate the work of the treaty bodies by submitting their reports in a timely fashion.

37. It was also important to ratify the optional protocols to those instruments, in particular the Convention against Torture and the International Covenant on Civil and Political Rights. The European Union called for a moratorium on the death penalty and opposed its application to minors or mentally handicapped persons.

38. **Mr. Saeed** (Sudan) said that the Sudan had adhered to and incorporated into its legislation many international human rights covenants, treaties and conventions. Those instruments were essential to the exercise of human rights and fundamental freedoms.

39. Human rights were indivisible, interdependent and interrelated and should be treated equally; economic, social and cultural rights should be given the same importance as political and civil rights, for which protection mechanisms had been established. His delegation therefore called for the adoption of concrete measures to strengthen economic rights, including the right to development and to food, as well as cultural and social rights. Values such as tolerance, dialogue and preservation of the family must be promoted. Respect for cultural diversity, which enriched the dialogue between civilizations, should prevail over any hegemonic attempt to annihilate others.

40. The Office of the United Nations High Commissioner for Human Rights had been created bearing in mind the provisions of Articles 1, 13 and 55 of the Charter of the United Nations and the Vienna Declaration and Programme of Action. The mandate of the High Commissioner, as defined in General Assembly resolution 48/141, should be exercised with complete neutrality, objectivity and transparency, to avoid politicizing the Office and making it subservient to special interests. The reform of the Office should be expedited; certain geographical groups were not represented, while others were overrepresented and exerted political influence over its work.

41. Being persuaded of the need for negotiation and dialogue, his Government was cooperating with the competent human rights mechanisms. The human rights situation in the country had improved, as evidenced by the completion of the mission entrusted to the Group of Experts on Darfur created by the Human Rights Council to oversee the implementation of the recommendations on Darfur. At the ninth regular session of the Council, the draft resolution submitted by the African Group had been adopted, extending the mandate of the Special Rapporteur on the situation of human rights in the Sudan. That measure had confirmed the positive trend in human rights and was the culmination of national efforts and regional and international cooperation in that regard.

42. Collective action on human rights through multilateral mechanisms could turn the situation around. Very few States, large or small, were blameless in that area. Global action must be taken to strengthen and protect human rights and to support the work of the Human Rights Council through dialogue and cooperation.

43. **Ms. Abdelhak** (Algeria), recalling that Algeria was a party to the seven universal human rights treaties, said that it recognized that protection and promotion of human rights was first and foremost a responsibility of States, and it attached high priority to fundamental freedoms in the building of a modern State. Accordingly, the National Constitutional Council had reaffirmed the principle enshrined in the Constitution according to which ratified treaties took precedence over domestic legislation.

44. In order to effectively protect human rights, Algeria attached priority to reform of the judicial sector, which was gradually being brought into line with international norms. Among other things, the codes of penal and civil procedures and the family code were being reviewed.

45. The principle of rotation in power through free and fair elections had become an irreversible process that was included in the Algerian Constitution. The country's institutional structure was in place, and its affairs were managed by elected officials. A number of political parties were represented in the National Assembly and enjoyed the support of a fully developing civil society and a free press.

46. Algeria was committed to the process of democratization and was determined to carry it to completion. Her country gave priority to the enjoyment of economic, social and cultural rights of its citizens. To that end, it ensured the proper functioning of basic social services and of the economy.

47. Algeria acknowledged the fundamental role played by women in the construction of a progressive society and guaranteed their full participation in economic, social and political life. It was working actively to consolidate and promote women's rights and had made steady progress in the emancipation of all sectors of society.

48. Courses on human rights were now compulsory in Algeria's educational system and a national consultative committee had been set up; one third of the members were women and a majority of the members represented civil society. The committee, which was recognized by the Office of the High Commissioner for Human Rights, had broad powers; its mission was to monitor, provide early warning, evaluate, inform and raise awareness in the area of human rights. It was also responsible for considering human rights violations and taking all necessary measures in that regard. It submitted annual reports to the President of the Republic, who followed up, as necessary, on its recommendations.

49. Finally, because of its concern for the indivisibility, interdependence and universality of human rights, Algeria attached high importance to humanitarian law and the so-called third-generation solidarity law, namely, the right to development and the right to environmental protection. It was encouraged by the progress made in the promotion of human rights and was determined to demonstrate its firm determination to enhance freedoms and to promote and protect all human rights, given that they were essential for a democratic society and for the peaceful relations within a country that were the key to the rule of law.

50. *Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.*

51. **Ms. Kurosaki** (Japan) said that human rights were universal values and must be promoted and protected in every part of the world; thus the role played by the Office of the High Commissioner for Human Rights was absolutely essential. Japan would continue to cooperate fully with the High Commissioner and expected the new Commissioner to display the same commitment as her predecessor.

52. Japan had ratified the six principal international human rights instruments and had been implementing them in good faith. In celebrating the sixtieth anniversary of the Universal Declaration of Human Rights later that year, it planned to do even more to raise awareness of the importance of the Declaration. Japan had submitted the reports required under the Convention on the Rights of the Child and its optional protocols, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

53. Being persuaded of the need to have universal norms in the field of human rights, Japan had signed

the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, and had begun the ratification process.

54. The Human Rights Council was standing at a critical juncture, and Japan was determined to continue to provide it with the support it needed in order to ensure its efficacy. Japan had undergone the universal periodic review. If it was impartial and effective, that mechanism would prove useful to the Council. In order to hasten the advent of a world in which human beings would enjoy freedom of speech and belief and freedom from fear and want, it was essential to make comprehensive efforts in a wide range of areas, including peace and development, to secure human rights and fundamental freedoms.

55. **Mr. Samarasinghe** (Sri Lanka) said that his country was a party to the seven core human rights treaties and to several other related instruments in the field of international humanitarian law. Sri Lanka was carrying out its obligation to protect and promote human rights under difficult circumstances, owing to the continued operation of the terrorist Liberation Tigers of Tamil Eelam (LTTE) in its northern provinces. The group continued to target innocent civilians, to conscript children, assassinate political leaders and engage in ethnic cleansing and other violations of human rights. Nevertheless, throughout the conflict, his Government had sent food, medicine, educational supplies and other essential items into the affected areas. As the President of Sri Lanka had stated in the General Assembly, such sustained commitment over such a prolonged period was perhaps unparalleled in similar situations elsewhere.

56. The Government was cooperating with the Office of the United Nations High Commissioner for Human Rights in particular and with the United Nations system in general to protect human rights and strengthen the nation's capacity to deliver humanitarian aid. It had continued to fulfil its reporting obligations to the relevant treaty bodies and had invited United Nations representatives and mandated officials to visit the country. It had submitted its national human rights report under the universal periodic review mechanism of the Human Rights Council.

57. The Consultative Committee on Humanitarian Assistance chaired by the Minister of Human Rights was a high-level coordinating mechanism that brought together the Government and its international partners with representatives of civil society to discuss humanitarian assistance policy. Sri Lanka had also established an advisory forum in which representatives of civil society could put their concerns to key Government officials.

58. He commended the countries which had commemorated Africa Human Rights Day together with the African Charter on Human and Peoples' Rights, which had entered into force 22 years earlier. The nations of Asia drew inspiration from national legal systems and international instruments in developing their own human rights norms and jurisprudence. Sri Lanka was trying to adopt an expanded Bill of Rights. As it redeveloped a set of national human rights standards in keeping with its social, legal and cultural heritage, it was also aware of advances in other parts of the world, and was committed to its policy of constructive engagement and cooperation with other Member States and with United Nations human rights bodies and the international community.

59. **Mr. McMahan** (United States of America), underscoring his Government's commitment to human rights and fundamental freedoms and its concern for fulfilling all its obligations under the human rights treaties, said that the implementation by States of the obligations they assumed under human rights instruments should remain a priority for the General Assembly and the United Nations system.

60. While the concluding observations and general comments of the treaty bodies were non-binding, the overall treaty reporting process was most important since it compelled States to reflect on the human rights situation in their countries in order to draw up the required reports. The United States had recently drawn constructive conclusions from its exchanges with the Committee on the Rights of the Child, to which it had submitted reports pursuant to the two Optional Protocols to the Convention on the Rights of the Child, one relating to the involvement of children in armed conflict and the other to the sale of children, child prostitution and child pornography.

61. It was regrettable, however, that some of the stances that had been taken by the Committee on the Elimination of Discrimination against Women had been inappropriate. While that Committee had done excellent work in a number of areas, it sometimes went

far beyond its mandate by taking subjective positions on certain issues, particularly abortion, which was not even mentioned in the Convention on the Elimination of All Forms of Discrimination against Women. The Committee would do better to focus on the measures most likely to reduce maternal mortality.

62. In the belief that the full realization of human rights was best served by implementing existing instruments rather than creating new ones, his Government reaffirmed its support for the human rights treaty bodies, which it urged to focus carefully on the actual obligations of States parties.

63. **Mr. Al-Hussaini** (Iraq) said that his country, wishing to respect the purposes and principles of the Charter of the United Nations, had become a party to the international human rights covenants and conventions and had sought to incorporate them into its domestic legislation. It had made advances in the protection and promotion of human rights.

64. To begin with, the Government had taken the necessary steps to accede to the international human rights instruments. Secondly, thanks to the improving security conditions, it had allocated 195 million dollars for the return of internally displaced persons and 40 million dollars for the return of refugees. Thirdly, having made it a priority to improve the economic situation, the Government had made a start on reconstruction and rehabilitation. It had managed to reduce inflation and unemployment considerably, established a social security system for widows, orphans and the unemployed, doubled the education budget and reformed the health sector by making medical care available to the entire population. Fourthly, the Iraqi Parliament had promulgated dozens of laws, including laws on the organization of elections, a national reconstruction tax, and government salaries and pensions. Furthermore, the Government was combating corruption and making every effort to apply the principles of accountability and financial oversight. Fifthly, it had made progress in the area of human rights by setting up a national system to monitor violations and establishing a monitoring team under the Ministry of Human Rights that worked in coordination with other committees. Progress had also been made in dealing with mass graves, prisoners and disappeared persons. In cooperation with the United Nations, the Government had drafted a human rights law granting broad media freedoms and favouring the establishment of dozens of newspapers and television channels. The Legislative Assembly was considering legislation on communications and on the protection of journalists. The Government was seeking, moreover, to promote the independence and integrity of the judiciary by empowering it to enforce the law and to protect the rights of individuals.

65. Iraq attached importance to honouring its commitments in the area of human rights and welcomed the aid it had received from the international community for reconstruction. It planned to hold regional elections before the end of the year and was working to create a favourable climate. The international community was providing the Government of national unity with invaluable support in the establishment of democratic institutions.

66. **Mr. Liu** Zhenmin (China) said that his country was a party to many international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had recently ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Convention on the Rights of Persons with Disabilities. China had adopted measures for the implementation of all those instruments and took care to submit all the required periodic reports; it took into account all the comments and recommendations addressed to it by the treaty bodies. Moreover, since the return of Hong Kong and Macao, it had, in accordance with the principle of "one country, two systems", helped those Special Administrative Regions to protect human rights.

67. The Universal Declaration of Human Rights was the theoretical and ideological basis of international human rights instruments; since its adoption, 60 years earlier, steady progress had been made in the cause of human rights. China, for its part, was making continuous progress in ensuring human rights protection within its territory. With a view to better mutual understanding, all countries should abide by the spirit of the Declaration.

68. There was no denying that international instruments and treaty bodies made a huge contribution to promoting and protecting human rights, but the reporting requirements were far too burdensome and some treaty bodies exceeded their mandates. He

commended the Office of the High Commissioner for Human Rights for having prepared, in response to the Secretary-General's call for reform, a concept paper on the establishment of a unified standing treaty body (HRI/MC/2006/2) and harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.4).

69. The reform should provide an opportunity to streamline the reporting mechanism, thereby effectively lightening the burden on States parties. Treaty bodies must strictly comply with their mandates and rules of procedure, adhere to the principles of fairness, objectivity and neutrality and systematically check the accuracy of the information conveyed to them. He hoped that the Office of the High Commissioner for Human Rights and the various treaty bodies would continue to strengthen their exchanges with States parties and seek consensus.

70. **Mr. Anwar** (India) requested that reports should be made available well in advance so as to give Member States time to study them. Human rights were indivisible and interrelated and their observance was at the core of any civilized society. The mechanisms required for their promotion and protection were now in place, headed by the Human Rights Council and the Office of the High Commissioner for Human Rights.

71. As all States parties to the various instruments were required to report regularly on the human rights situation in their respective countries, some uniformity had been established in reporting, and the various committees and treaty bodies were able to make assessments and practical recommendations with a view to helping States to guarantee fundamental freedoms and rights more effectively. However, their experts should not consider development, democracy and human rights in isolation from one another. The harmonized guidelines on reporting, including guidelines on a common core document and treaty-specific documents, would streamline the procedure as a whole and lighten countries' workload. Treaty bodies and the Office of the High Commissioner should help Member States lacking the requisite reporting experience or capability to meet their obligations.

72. He expressed concern about the delays incurred by some treaty bodies in examining country reports. To eliminate the backlog, they should be authorized to meet in parallel chambers and the Office of the High Commissioner might propose that they should be allowed to extend their sessions.

73. India had constantly supported the efforts of the international community to develop the necessary normative framework for the promotion and protection of human rights and it sought to submit its country reports regularly. The treaty bodies had helped it to fulfil its international legal obligations and to protect everyone's basic rights. He hoped that they would help to increase respect for human rights worldwide.

74. **Mr. Jo** Joo-sung (Republic of Korea) said that peace and development could not be separated from respect for human rights. In the 60 years since the adoption of the Universal Declaration of Human Rights and the 15 years since that of the Vienna Declaration and Programme of Action, significant progress had been made under United Nations leadership.

75. The adoption of various international instruments had helped to improve the situation. In 2008 the Convention on the Rights of Persons with Disabilities had entered into force, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had been drawn up, and the Human Rights Council had launched the universal periodic review mechanism. In May 2008, his country had itself gone through that review process, conducted by other Member States, and had found that there still remained much to be done. In endeavouring to implement more effectively the various human rights instruments, the Republic of Korea would be guided by the observations and recommendations that had been conveyed to it.

76. At the international level, there was still a gap between the ideals pursued and reality. Although Member States were required to promote and protect human rights and fundamental freedoms, they did not always fully implement existing conventions nor did they protect the rights of vulnerable persons as they should. Moreover, in some areas, terrorism, armed conflicts, racism, discrimination and extreme poverty stood in the way of human rights promotion and must be eliminated.

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/63/36; A/C.3/63/3)

77. **Mr. Delacroix** (France) said that he was speaking on behalf of the European Union; the candidate country

the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; Liechtenstein and, in addition, Armenia, the Republic of Moldova and Ukraine.

78. In 2008, the global community was celebrating not only the sixtieth anniversary of the Universal Declaration of Human Rights but also the fifteenth anniversary of the Vienna Declaration and Programme of Action, which had been adopted at the World Conference on Human Rights and which provided a frame of reference for the universal promotion and protection of human rights.

79. Significant progress had been made, over the past 15 years, in promoting and protecting human rights, particularly under the leadership of the Office of the High Commissioner for Human Rights, which had been established as a result of the Vienna Conference. The European Union commended the work of the former High Commissioner and would provide its full support to her successor. It believed that the Office of the High Commissioner should receive the resources required for the execution and management of its activities and that the current rules pertaining to budgetary and human resources policies should be maintained.

80. Achievements in recent years included an increase in the field operations of the Office of the High Commissioner and the opening of regional offices. As a result of the measures recommended by the Vienna Conference, there had been noticeable improvements as regards the signature and ratification of human rights conventions, the role played by the human rights special procedures and the active involvement of civil society. In addition, new international human rights instruments had emerged, such as the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of all Persons from Enforced Disappearance.

81. Nevertheless, much remained to be done to implement all the provisions of the Vienna Declaration and Programme of Action and to end the violation of human rights. Creating conditions conducive to the realization of human rights at all levels was the responsibility of every member of society. The conclusions of the international conference of experts held in Vienna in August to examine ways of strengthening the national implementation of the Vienna Declaration and Programme of Action should guide future actions, based on the conviction that no human rights violation should escape collective control.

82. **Mr. Chumarev** (Russian Federation) said that the anniversaries of the adoption of the Universal Declaration of Human Rights and of the Vienna Declaration and Programme of Action provided an opportunity to assess the global situation of human rights.

83. Currently, some Member States used human rights for ideological purposes. However, official policies often had repercussions on a people's identity and traditional value system, contrary to received wisdom, democratic institutions and those that defended human rights did not always apply an equitable policy at the national and international levels. That could lead to the emergence of authoritarian and totalitarian regimes; thus, Europe had seen a reappearance of neo-Nazism and anti-Russian sentiment. When the doctrine of human rights was upheld as the sole ideology, it signified the return of the police State. It was necessary to ensure that human rights were not misused to benefit the political and financial circles and were not commercialized. Furthermore, although it claimed to be universal, human rights ideology was often powerless in the face of conflicts. The United Nations system should therefore cease to underestimate the potential of dialogue between cultures and of respect for traditional values which were advocated by the major religions.

84. The realization of human rights, a universal and indisputable goal, should not be achieved at the expenses of diversity; that meant that it should be viewed not only from a geographical, but also from a philosophical and anthropological point of view.

85. From a legal standpoint, Russia had always favoured collective rights, within the sphere of influence of its State, legal, spiritual and cultural traditions. It believed that any attempt to build an ideal world by dehumanizing and alienating the individual should be examined critically and it advocated dialogue between cultures and re-examination of the dogmas that often obscured the humanist nature of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action.

86. *Mr. Majoor (Netherlands) resumed the Chair.*

87. **Mr. Abdelaziz** (Egypt), reaffirming the principles that were the foundation of the collective effort to promote and protect human rights and fundamental freedoms, recalled his country's commitment to the Charter and to agreed international instruments. Serious steps had been taken to address human rights issues effectively and make them a common denominator in all societies, and that had led, for example, to the establishment of the Human Rights Council and the launching of the universal review mechanism and special procedures review process. It would henceforth be possible to tackle human rights and peoples' rights issues within a clear institutional framework that was based on constructive cooperation and uniform standards, and that integrated all the existing human rights mechanisms without tilting the balance to focus on certain aspects to the detriment of others.

88. At a time when the peoples of the world aspired to more democracy and nations were endeavouring to intensify their cooperation in order to achieve development despite the unfavourable international economy and climate change that impeded progress in human rights, some countries were attempting to impose their viewpoint about internationally agreed standards and distancing themselves from the goal of collective action based on complementarity, cooperation and capacity-building.

89. International efforts should be redirected towards the realization of common goals. It was necessary to stand up to those who mistakenly believed that their own values, cultures and social and legal systems were superior and who therefore sought to set them up as the international standards. Consideration of human rights should not be limited to civil and political rights at the expense of the economic, social and cultural rights that were priorities in the developing countries. Rather, it was necessary to take an objective approach, based on respect for the complementarity between international human rights law and international humanitarian law.

90. Greater attention should be paid to the right to development, a fundamental right intrinsically linked to other rights. There should also be greater coordination between the United Nations organs, programmes and funds dealing with human rights and economic and social development, and the international financial institutions, in order to reduce the North-South divide and ensure better living standards that would contribute to the promotion of human rights, without attaching conditionalities or imposing controversial concepts.

91. The institutional balance between the main United Nations organs, especially the General Assembly and the Economic and Social Council, should be respected, and the activities of the treaty bodies and the Human Rights Council should not be politicized. There should be a clearer commitment not to go beyond the mandate of the Third Committee — the negotiating body of the General Assembly on human rights issues — by, for example, submitting resolutions singling out specific countries, unnecessarily creating parallel structures or appointing persons to monitor the human rights situation solely in developing countries.

92. It would mean reinforcing the idea that protecting human rights was primarily the responsibility of national Governments with effective assistance from the international community within the boundaries of respect for the principles of non-interference in domestic affairs, sovereignty and the territorial integrity of States. Egypt was firmly committed to the provisions of the 2005 World Summit Outcome concerning the "responsibility to protect".

93. Doing so would require greater early warning capabilities, reliance on reliable, non-politicized information and support for national Governments as they shouldered their responsibilities to protect human rights, by offering them advisory services and technical and financial support. That, in turn, would require the allocation of more funds for national capacity-building in the budgets of the human rights coordinator's offices, redressing the geographical imbalance in the staff of the Office of the High Commissioner for Human Rights, and striking a better balance between the regular budget and voluntary contributions by decreasing the percentage of earmarked funding.

94. Lastly, at the national level it was imperative to combat resolutely all forms of extremism, discrimination, racism and xenophobia, which were linked to attempts to defame religions under the pretext of freedom of opinion, and to establish a dialogue based on respect for cultural identities and particularities, in order to deepen mutual understanding and tolerance. A balance must be struck between promotion and protection of the right of others to practice their religion and preserve their cultural identity. That, in turn, would require a stronger

commitment to respect for human rights while countering terrorism in accordance with international commitments.

95. **Mr. Casal** (Bolivarian Republic of Venezuela) said that the Committee was meeting at a moment when the world was in the grip of great crises with unfavourable repercussions on the observance of human rights.

96. In 2008, the world was commemorating not only the sixtieth anniversary of the Universal Declaration of Human Rights but also the fifteenth anniversary of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights. In the main, the objectives of those instruments had yet to be achieved by most peoples of the world, whether in respect of the principle of equal rights, the right of peoples to self-determination, peace, democracy or justice.

97. Considerable progress had certainly been made, for example, in the area of the codification of human rights. Moreover, a majority had emerged in favour of the establishment of a new institutional human rights framework free of politicization, selectivity and double standards. Knowing that its Constitution emphasized the evolving and constantly perfectible nature of the framework for the promotion of human rights, his Government had subscribed to a number of declarations and conventions, the most recent of which dealt with forced disappearances, the prevention of torture, indigenous questions, or the issue of human rights defenders.

98. The Vienna Declaration and Programme of Action put particular emphasis on international cooperation which, in accordance with the Charter of the United Nations, must encourage respect for human rights and fundamental freedoms for all. His Government was convinced of the extreme importance of international cooperation, which should be based on a dialogue anchored in respect for differences and for different historical, political, economic, social, cultural and religious traditions. It was disturbing to note that groups of countries were rejecting solidarity and refusing to recognize the link between solidarity and human rights and, consequently, the principle of the progressive nature and perfectibility of the international legal human rights framework. Whereas the nations of the South were proclaiming the benefits of solidarity and cooperation in the promotion of human rights, those groups of countries were seeking to impose the notion that cultural, ethnic, political or religious diversity could compromise the universal nature of human rights, an attitude that was at the root of the resurgence of xenophobia and discrimination.

99. The same thinking led to a tendency to establish a hierarchy of rights, even though they were deemed to be equal. One example was freedom of expression, made into an absolute right contrary to the provisions of the Universal Declaration of Human Rights or of the International Covenant on Civil and Political Rights, which stipulated that the exercise of freedom of expression carried with it duties and responsibilities to respect the rights of others and protect national security, public order, public health or morals. It was commendable that some special procedures had urged the media and the public in general to be alert to the harmful consequences of the discrimination inherent in certain ideas and the discord and conflict that could be engendered by certain kinds of tolerance.

100. In the knowledge that the new High Commissioner would serve effectively, his delegation recalled and endorsed the position of the Non-Aligned Movement, advocating discussion of the possibility of reviewing the relations between the Human Rights Council and the Office of the High Commissioner for Human Rights. Such a restructuring should increase transparency and improve the synergy between the two bodies without, however, jeopardizing the independence of the Office. There should also be concerted action to consider what could be done to ensure a better geographical representation within the Office, reducing the disturbing imbalance that currently existed.

101. His Government, reiterating its determination to promote all human rights for all, said that it continued to deplore the mobilization of enormous [illegible] in the service of some, while the commitments to achieve the Millennium Development Goals were regarded as charitable activities and were receiving only limited investment. The poor of the world demanded the establishment of a new international economic order where human rights could really prevail over the unbounded economic interests and the feverish consumption of the capitalist world.

The meeting rose at 1 p.m.